

ORDINANCE NO. 3081

AN ORDINANCE TO PROVIDE FOR AN ELECTION FOR THE SUBMISSION OF AN AMENDMENT TO THE CHARTER OF THE CITY OF FAIRBANKS TO ADD SECTION 13.11 TO ESTABLISH A METHOD OF SELECTION OF REPRESENTATIVES FOR THE CITIZENS OF FAIRBANKS ON THE ASSEMBLY OF THE FAIRBANKS NORTH STAR BOROUGH AND TO SET A DATE FOR SUCH ELECTION.

WHEREAS, the original intent of the Constitution of the State of Alaska was that citizens of first class cities should be represented on borough assemblies by members of their city councils; and

WHEREAS, some aspects of the Constitution of the State of Alaska appear invalid under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, and provisions of the Constitution and Statutes of the State of Alaska providing for representation of the people of first class cities by members of their city council are now under attack before the judiciary of the State of Alaska; and

WHEREAS, a new municipal code is now being considered by the Legislature of the State of Alaska which may change or modify, or leave to the vote of the people themselves, the methods of selection of representation on borough assemblies; and

WHEREAS, this Council is convinced that there is much merit in the original design of the Constitution of the State of Alaska because of the close interaction between city and borough municipal governments, because of the high impact of the actions of one such municipal government upon the other, and because a city of such size as to entitle the city to representation on the borough assembly usually has such sophistication of government that it is essential that at least some members of the borough assembly are also members of the city council who are fully aware of problems being considered by the city and plans of the city council to meet those problems; and

WHEREAS, the council is of the opinion that if the citizens of the City of Fairbanks are given any voice in determination as to how

they shall be represented on the Fairbanks North Star Borough Assembly, their will should be made known so that it can be implemented if the Constitution of the United States, the Constitution of the State of Alaska, the statutes of the State of Alaska, and the ordinances of the Fairbanks North Star Borough allow it;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, AS FOLLOWS:

SECTION 1. That Article XIII of the Charter of the City of Fairbanks shall be amended by addition of a new section thereto to be numbered Sec. 13.11 and to read as follows:

Sec. 13.11 Representation of Residents of the City of Fairbanks on the Assembly of the Fairbanks North Star Borough.

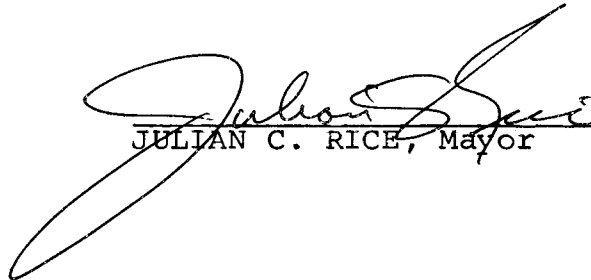
The citizens of Fairbanks shall be represented on the Assembly of the Fairbanks North Star Borough as follows:

- (a) Seats "B", "D", and "F" of the City Council are hereby designated as Combination City Council and Borough Assembly seats.
- (b) Persons elected or appointed to the seats referred to above are automatically selected as representatives of the citizens of the City of Fairbanks for seats on the Fairbanks North Star Borough Assembly.
- (c) The balance of the representation to which the citizens of Fairbanks are entitled on said assembly shall be filled by election at large for seats with overlapping terms of three years; a member of the council or a candidate for the council may run for, and be elected to, one of these seats;
- (d) In the event of any vacancy in the seats at large to which the citizens of Fairbanks may be entitled, the mayor, subject to confirmation by the council, shall appoint an elector of the City of Fairbanks to fill said seat until the next election, at which time an assemblyman will be elected at large for the unexpired term, if any.

SECTION 2. In accordance with Sec. 14.2 of the Charter of the City of Fairbanks, the amendment proposed herein shall be submitted at the regular city election to be held on the first Tuesday after the first Monday in October.


SECTION 3. The City Clerk is hereby directed to make proper publication of the proposed amendment to the charter in accordance with Sec. 14.5 of the Charter of the City of Fairbanks.

SECTION 4. This ordinance shall be effective on the 26th day of May, 1972.


JULIAN C. RICE, Mayor

ADOPTED: May 24, 1972

ATTEST:


EVELYN M. RUSNELL, City Clerk

HOME RULE CHARTER

for the

CITY OF FAIRBANKS, ALASKA

Prepared by the

Charter Commission of the City of Fairbanks

P R E A M B L E

We, the people of the City of Fairbanks,
pursuant to the constitution and laws of the State
of Alaska, and in order to insure maximum control
over all affairs of municipal concern, do hereby
ordain this charter as our organic law.

ARTICLE I.

INCORPORATION, FORM OF GOVERNMENT, POWERS

SECTION 1.1 INCORPORATION. The City of Fairbanks, Alaska, shall continue to be a municipal body politic and corporate under the name of "City of Fairbanks", having such boundaries as are now or hereafter may be established by law.

SECTION 1.2 FORM OF GOVERNMENT. The municipal government provided by this charter shall be known as the "council-manager" government. Subject only to the limitations imposed by the State Constitution and by this charter, all powers of the city shall be vested in the council. The council shall appoint a city manager who shall execute the ordinances and administer the government of the city. All powers of the city shall be exercised in the manner directed by this charter, or if the manner not be provided, then in such manner as may be prescribed by ordinance.

SECTION 1.3 POWERS OF THE CITY. The city shall have and may exercise all powers, functions, rights, privileges, franchises, and immunities of every name and nature which a home-rule city may constitutionally possess in the State of Alaska. The enumeration or mention of particular powers in this charter shall not be deemed to be exclusive or limiting. Provisions of state law relating to matters which are constitutionally subject to regulation by home-rule cities shall be in effect until superseded by this charter or by ordinance.

ARTICLE II.

THE COUNCIL

SECTION 2.1 COUNCIL: NUMBER, TERM. The council shall consist of six (6) councilmen and a mayor, each of whom shall be elected at large and inducted into office at the next regular meeting of the council following his election. The term of each councilman shall be three (3) years and shall continue until his successor has been elected and qualified. The term of mayor shall be two (2) years and shall continue until his successor has been elected and qualified.

SECTION 2.2 COUNCIL: QUALIFICATION OF MEMBERS, VACANCIES. Each member of the council shall be a qualified voter of the city, shall have resided therein for three (3) years prior to filing his declaration of candidacy, and shall hold no other elective public office except that of borough assemblyman. Election of a member to another public office or change of his residence from the city shall create an immediate vacancy in his office. In addition to vacancies so created and vacancies occurring through death or resignation, a vacancy shall be declared in the office of any

member who fails to attend at least two (2) meetings of the council held within any sixty (60) day period. The council may prescribe by general ordinance additional grounds not inconsistent herewith for the declaration of vacancies on the council.

SECTION 2.3 COMPENSATION. The compensation of the councilmen and mayor shall be fixed by ordinance. No increase in compensation shall inure to the benefit of the mayor or any councilman for a period of one (1) year following the adoption of any ordinance fixing compensation. An expense account on a fixed basis shall be deemed compensation within the purview of this section. Neither the mayor nor any councilman shall serve the city in any other salaried position.

SECTION 2.4 MAYOR. The mayor shall preside at the meetings of the council and shall be recognized as the head of the city government for all ceremonial purposes. The mayor shall have the power of veto, the power of pardon for the violation of municipal ordinances, and shall vote only in case of numerical ties. He may cast the deciding vote, however, if a proposed ordinance or resolution receives three (3) affirmative votes. The veto shall be in writing, shall recite the reasons therefor, and shall be filed with the city clerk within five (5) days following adoption of any vetoed ordinance. Five (5) affirmative votes of the council are required to override the veto of the mayor. Final action to override a veto must be taken within fourteen (14) days following the veto.

SECTION 2.5 ACTING MAYOR. At the next meeting following each regular election the council shall elect one of its members to act as mayor during the absence or disability of the mayor. Provision shall be made by ordinance for succession to the office of acting mayor.

SECTION 2.6 COUNCILMEN: VACANCIES IN OFFICE. A vacancy in the office of councilman shall be filled by appointment of the mayor confirmed by majority vote of the council. A vacancy shall be filled not later than the second regular meeting following its occurrence unless prevented by absence of a quorum. If so prevented, it shall be filled at the first regular meeting thereafter held at which a quorum is in attendance. Appointments to fill multiple vacancies reducing council membership to less than a quorum shall be confirmed by majority vote of the remaining members. Any appointee confirmed as in this section required shall act as councilman until his successor is elected and qualified. Such successor for the unexpired term of any vacancy shall be elected at the next regular city election.

SECTION 2.7 MAYOR: VACANCIES IN OFFICE. A vacancy in the office of mayor shall be filled by the acting mayor until a successor for the unexpired term is elected and qualified. A successor shall be elected at the next regular election. Succession to the office of mayor by the acting mayor shall create a vacancy in the council.

SECTION 2.8 COUNCIL: MEETINGS. The council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once each week. Provision may be made by ordinance for special meetings. All meetings of the council shall be open to the public; provided, however, that the council, after its agenda is otherwise completed, may recess for the purpose of discussing in a closed or executive session any question which would tend to defame or prejudice the reputation and character of any person or persons, provided that the general subject matter for consideration in executive session is expressed in the motion calling for said session. The public may be excluded from this session, but final action shall not be taken by the council until the matter is placed on the agenda.

SECTION 2.9 COUNCIL TO BE JUDGE OF QUALIFICATION OF ITS MEMBERS. The council shall be the judge of the election and qualification of its members and for such purpose shall have power to subpoena witnesses and require the production of records. The decision of the council in any such case shall be subject to judicial review.

SECTION 2.10 COUNCIL: RULES OF PROCEDURE: JOURNAL. The council, by ordinance, shall determine its own rules of procedure and order of business. It shall keep a journal of its proceedings which shall be open to public inspection. A majority of the councilmen shall constitute a quorum.

SECTION 2.11 COUNCIL: VOTING, DISQUALIFICATION OF MEMBER. No member of the council shall vote on any proposed action of the council in the subject matter of which he has a direct or indirect pecuniary interest.

ARTICLE III.

ORDINANCES

SECTION 3.1 ORDINANCES: WHEN REQUIRED: ADOPTION. In addition to such other acts of the council as are required to be by ordinance all legislation shall be enacted by ordinance. An affirmative vote of four (4) councilmen, or three (3) councilmen and the mayor, shall be required to adopt an ordinance or resolution.

SECTION 3.2 ORDINANCES: TITLE. A title shall be given to all ordinances. The title shall give notice of the subject matter of the ordinance and nothing contained in the ordinance which is not germane to the subject matter expressed in the title shall be valid.

SECTION 3.3 ORDINANCES: INTRODUCTION; FIRST READING; PUBLICATION. Every ordinance shall be introduced in writing and, after advancement to second reading, shall be published in full or by title at least once, with notice of the time and place when and where it will be given a public hearing and be considered for passage. The

first such publication shall be at least four days prior to the time advertised.

SECTION 3.4 ORDINANCES: SECOND READING; PUBLIC HEARING. At the time and place so advertised, or at any time and place to which such hearing shall from time to time be adjourned, such ordinance shall be read in full; or, if written copies are available to interested persons at the hearing, such ordinance may be read by title only. After reading, all persons interested shall be given an opportunity to be heard.

SECTION 3.5 ORDINANCES: AMENDMENT AND ADOPTION. After such hearing, the council may pass such ordinance with or without amendment. Should the council make an amendment which constitutes a change of substance, it shall order published a notice of the time and place when and where such amended ordinance will be further considered. Publication shall be at least four (4) days prior to the time stated. At the time so advertised or at any time and place to which such meeting shall be adjourned, any amendment or any amended section shall be read and a public hearing shall be held thereon. After such hearing the council may pass such amended ordinance, or again amend it subject to the same procedure.

SECTION 3.6 ORDINANCES: EXCEPTION TO PROCEDURES: Notwithstanding the provisions of Sections 3.3, 3.4 and 3.5 of this article, an ordinance implementary to or designed to accomplish in whole or in part, the purposes of an ordinance or proposition referred to and ratified by the voters as in this charter provided, may be introduced, amended and adopted at one (1) meeting of the council. Upon express finding that an emergency exists, the nature of which is stated in a motion for suspension of the rules, and upon the unanimous affirmative vote of all members in attendance any other ordinance may also be introduced, amended and adopted at one (1) meeting of the council.

SECTION 3.7 ORDINANCES: PUBLICATION AFTER ADOPTION; EFFECTIVE DATE. After adoption every ordinance shall be published again in full or by title. Every ordinance, unless it shall specify another date following publication, shall become effective at the expiration of twenty (20) days after such publication.

SECTION 3.8 ORDINANCES: CODIFICATION. The council shall provide for the preparation and the adoption of a code of city ordinances and the maintenance of such code on a current basis. Ordinances not of general application and ordinances of temporary application may be omitted from the code. Procedural requisites such as titles and effective date clauses extrinsic to the substantive provisions of any ordinance may be omitted from the code. Copies of such code and the service for supplementation thereof may be purchased from the city. The code shall be deemed to be prima facie evidence of the municipal law of this city.

ARTICLE IV.

CITY MANAGER, CITY ATTORNEY, CITY CLERK AND ADMINISTRATIVE DEPARTMENTS

SECTION 4.1 THE CITY MANAGER. The council shall appoint a city manager who shall be head of the administrative branch of the city government. The city manager shall serve at the pleasure of the council and shall be responsible to the council for the administration of all affairs of the city.

SECTION 4.2 CITY MANAGER: ABSENCE. The city council, or in the absence of a quorum thereof, the mayor, shall appoint an acting city manager in the event of the absence, suspension or disability of the city manager.

SECTION 4.3 ADMINISTRATIVE DEPARTMENTS. There shall be such administrative departments as may be established by ordinance, and at the head of each department there shall be a director who shall be an officer of the city and have supervision and control of the department subject to the city manager. Nothing contained in this charter shall prevent the council from providing for the composition and creation of such boards or agencies as the council may deem necessary to administer and operate any corporate or proprietary function of the city and any other function of the city being operated and administered at the time of the adoption of this charter by a board or agency.

SECTION 4.4 ADMINISTRATIVE EMPLOYEES: APPOINTMENT AND REMOVAL. The city manager shall have the power to appoint and remove officers and employees of the city. The city manager may delegate to a department head the power to appoint and remove officers and employees within his department. No member of the council shall interfere with or attempt to influence the exercise of said power. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager.

SECTION 4.5 CITY ATTORNEY. The city attorney shall be appointed by , serve at the pleasure of, and act as the legal adviser of the council. He shall advise the city manager and the city clerk concerning legal problems affecting the city administration. He shall perform such other duties as may be prescribed by the council .

SECTION 4.6 CITY CLERK. The council shall appoint a city clerk who shall serve at the pleasure of the council. He shall give notice of its special meetings, keep the journal of its proceedings, authenticate by his signature and record in full in a book kept for the purpose all ordinances and resolutions and perform such other duties as may be required by this charter or by ordinance.

ARTICLE V.

BUDGET

SECTION 5.1 BUDGET: FISCAL YEAR. The fiscal year of the city government shall begin on the first day of January and shall end on the last day of December of each calendar year. The fiscal year shall also constitute the budget and accounting year.

SECTION 5.2 BUDGET ESTIMATE: PREPARATION, SUBMISSION AND AMENDMENT. The city manager shall prepare and submit to the council, not later than November 1 of each year, the annual budget estimate for the following fiscal year and a budget message. The budget estimate shall be in such form as the council shall direct. The council may amend the budget estimate at any time prior to adoption.

SECTION 5.3 BUDGET A PUBLIC RECORD. The budget estimate, and upon adoption, the budget and budget message shall be a public record open to inspection in the office of the city clerk. Copies of the budget estimate and budget message shall be prepared for purchase by any interested person.

SECTION 5.4 BUDGET ESTIMATE: PUBLIC HEARING. The council shall fix the time and place for a public hearing on the budget estimate. Notice of the hearing, together with a summary of the budget estimate, shall be published not more than ten (10) nor less than five (5) days prior to the time fixed. At the time and place advertised, or at any time and place to which such public hearing shall be adjourned, all interested persons shall be given an opportunity to be heard.

SECTION 5.5 BUDGET: ADOPTION AND APPROPRIATION. The council shall adopt the budget and make the appropriation by ordinance not later than the 15th day of December. Failing adoption, the budget estimate as submitted or as amended shall go into effect and be deemed to have been adopted by the council; and the proposed expenditures therein shall become the appropriations for the next fiscal year.

SECTION 5.6 BUDGET: AMENDMENT. The budget may be amended by the council at any time after adoption provided no such amendment shall be made until after a public hearing upon the same notice as required for the budget estimate under Section 5.4 of this article. The substance of the proposed amendment or amendments shall be published with the notice of hearing.

ARTICLE VI.

TAXATION

SECTION 6.1 TAXATION: POWERS. The city shall have all powers of taxation which home-rule cities may have under state constitution.

SECTION 6.2 TAXATION: ASSESSMENT, LEVY AND COLLECTION OF PROPERTY TAXES. The council by ordinance shall provide for the annual assessment, levy and collection of taxes on property. No exemptions from taxation except those expressly provided by ordinance shall be allowed.

SECTION 6.3 TAXATION: EXTENSION TO PRIVATE INTEREST IN GOVERNMENT PROPERTY. The power of taxation shall extend to private leaseholds, contracts, or interests in land or property owned or held by the United States, the state, or its political subdivisions, to the extent of such interest.

SECTION 6.4 TAXATION: LIEN ON REAL PROPERTY. The city shall have a first lien on all real property against which taxes are assessed for the taxes and any collection charges, penalties, and interest which may accumulate thereto, which lien shall continue until the taxes are paid.

ARTICLE VII.

BORROWING FOR CAPITAL IMPROVEMENTS

SECTION 7.1 AUTHORITY TO CONSTRUCT CAPITAL IMPROVEMENTS. The city may construct, improve, extend, better, repair, reconstruct and acquire all types of capital improvements and facilities.

SECTION 7.2 POWER TO INCUR BONDED INDEBTEDNESS. The city may incur bonded indebtedness by ordinance and issue negotiable bonds for any and all of the purposes mentioned in Section 7.1 of this charter.

SECTION 7.3 LIMITATION ON BONDED INDEBTEDNESS. The total amount of general obligation bonds issued and outstanding at any one time shall not exceed fifteen per centum (15%) of the average assessed value of the property subject to taxation by the city as of the first day of January. In any one (1) year such average assessed value shall be determined by adding the assessed valuations for the last three (3) preceding fiscal years and dividing by three (3). Bonds in excess of said limit may be issued if sixty-five per cent (65%) of the qualified voters voting at the referendum thereon vote in favor of said issue.

SECTION 7.4 RATIFICATION OF BOND ORDINANCE BY VOTERS: QUALIFICATIONS OF VOTERS. No ordinance authorizing the issuance of general obligation bonds shall become effective unless ratified by a majority of the qualified voters voting at an election on the proposition of issuing such bonds. For the purposes of this section, a qualified voter is a person possessing the qualifications prescribed in Section 11.4 and whose name appears on the last tax assessment roll of the city.

SECTION 7.5 NOTICE OF BOND ELECTION. Notice of such election shall be published at least once a week for four (4) consecutive calendar

weeks on any day of the week, the first publication thereof to be not less than thirty (30) nor more than forty (40) days prior to the date fixed for the election.

SECTION 7.6 OBLIGATION TO LEVY. The council shall provide for the annual levy of taxes sufficient to pay the principal of and interest on general obligations bonds as the same become due and payable.

SECTION 7.7. REVENUE BONDS. The city may borrow money and issue bonds or other evidences of indebtedness, the principal and interest of which are payable solely out of, and are secured by, the revenues of a revenue producing utility or enterprise. No ordinance authorizing the issuance of such bonds or other evidences of indebtedness shall become effective unless ratified by a majority of the qualified voters of the city voting on the question. Notice of election shall be given in the manner provided in Section 7.5.

ARTICLE VIII.

FISCAL ADMINISTRATION

SECTION 8.1 PURCHASES AND SALES. The council shall prescribe by ordinance the procedures for the purchase, sale and inter-departmental transfer of property. Such ordinance shall contain a provision for centralized purchasing and for competitive bidding for purchases exceeding an amount to be fixed by general ordinance. Uniform exceptions from the requirement of competitive bidding may be prescribed by the ordinance.

SECTION 8.2 CONTRACTS FOR CITY IMPROVEMENTS. Any city improvement not constructed by city forces shall be executed by contract. All such contracts exceeding an amount to be fixed by ordinance shall be awarded to the lowest responsible bidder after such public notice and competition and upon such terms and conditions as may be prescribed by ordinance, provided the council shall have the power to reject defective or non-responsive bids, and to reject all bids and advertise again. The council may make provision for uniform preference in favor of city bidders and uniform preference in favor of state bidders.

The council may approve contracts for engineering, architectural, legal, medical, and other professional services for the city without competitive bidding.

SECTION 8.3 DISPOSITION OF REAL PROPERTY. Each sale, lease, exchange or other disposition of real property, or any interest therein, owned by the city shall be made only by authority of ordinance. No conveyance or other instrument of transfer shall be executed pursuant to such ordinance until the expiration of the period for filing an application for permissive referendum on the ordinance.

SECTION 8.4 SALE OR LEASE OF A PUBLIC UTILITY. An entire public utility owned by the city shall not be sold or leased except by authority of an ordinance ratified by a majority of the qualified voters on the question.

SECTION 8.5 WHEN CONTRACTS AND EXPENDITURES PROHIBITED. No office or department shall expend or contract to expend any money or incur any liability for any purpose in excess of the amounts appropriated. Any contract made in violation of this section shall be null and void. Nothing herein shall prevent the making of contracts or the spending of money for capital improvements, contracts of lease, or for services for a period exceeding the budget year.

SECTION 8.6 INTER AND INTRA DEPARTMENTAL TRANSFER OF FUNDS. The council may provide by ordinance for the inter and intra departmental transfer of funds.

SECTION 8.7 INDEPENDENT AUDIT. The council shall require an independent audit of all funds by a certified public accountant to be made annually and submitted to the council within ninety (90) days after the end of the fiscal year. The annual audit shall include all assets and liabilities of the city and on completion the analysis shall be made public. The council may provide for interim audits to be made at any time during the fiscal year.

ARTICLE IX.

LOCAL IMPROVEMENTS

SECTION 9.1 LOCAL IMPROVEMENTS: DETERMINATION OF NECESSITY FOR. The council may provide by ordinance for the determination of the necessity of and method of payment for local public improvements. Special assessments against the property benefited may be levied to pay for all or any part of a local public improvement.

SECTION 9.2 LOCAL IMPROVEMENTS: PROTESTS. If protests against any local improvement are made by the owners of property to be specially assessed who will bear fifty per cent (50%) or more of the estimated cost of the improvement, the improvement shall not proceed until the protests have been reduced so that the property of those still protesting shall not bear fifty per cent (50%) of the said estimated cost of the improvement. For the purpose of this section, "owner" shall mean the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land-sale contract, or according to a verified writing by the record holder of legal title to the land with the city clerk, the said purchaser shall be deemed the "owner".

SECTION 9.3 LOCAL IMPROVEMENTS: PROPERTY LIABLE FOR ASSESSMENTS. All real property, including tax exempt property, shall be liable for special assessments. Invalidity of this provision as to any class of property shall not affect its application to other classes of property.

SECTION 9.4 LOCAL IMPROVEMENTS: ASSESSMENT LIEN. The city shall have a first lien upon all real property against which special assessments are levied, for the special assessments and any collection charges, penalties and interest which may accumulate thereon; and the lien shall be of the same character, effect and duration, and shall be enforceable in the same manner, as the lien for city taxes.

ARTICLE X.

PUBLIC UTILITIES AND FRANCHISES

SECTION 10.1 PUBLIC UTILITIES: GENERAL POWERS. The city shall have the power to acquire, own, operate, promote, and regulate public utilities within and beyond its corporate limits.

SECTION 10.2 FRANCHISES: GRANTING OF. A franchise for furnishing a public utility service to the city and its inhabitants and permitting the use of the streets, alleys, bridges, easements, and other public places of the city for that purpose may be granted or amended only by an ordinance accepted by the grantee, and approved at an election by a majority of the qualified voters voting on the question.

SECTION 10.3 FRANCHISES: TERMS AND CONDITIONS. No franchise shall be granted by the city for a term exceeding twenty-five (25) years. A franchise may be renewed for additional terms not exceeding twenty-five (25) years provided that an ordinance for such renewal is accepted by the grantee and is approved by the voters as in Section 10.2 provided, at an election to be held not less than five (5) years prior to the expiration of the original or any renewal term of said franchise. Franchises may include provisions for fixing utility rates and charges. With respect to any franchise granted after this charter goes into effect, whether or not provided in the franchise, the city may: (1) terminate the franchise for the violation of any of its provisions; (2) require proper and reasonable extension of the plant and facilities and the maintenance thereof; (3) establish reasonable standards of service and quality of products, and prevent unjust discrimination in service and rates; (4) require continued and uninterrupted service to the public; (5) impose other regulations determined by the council to be conducive to the health, safety, welfare or convenience of the public; (6) require the public utility to permit joint use of its property and appurtenances located in the streets, alleys, bridges, easements, and other public places, by the city and by other public utilities, insofar as such joint use may be reasonably practicable, and upon payment of reasonable rental therefor; (7) require the public utility to pay any part of the costs of improvement or maintenance of streets, alleys, bridges, easements and other public places, that arise from its use thereof, and to protect and save the city harmless for all damages arising from such use; and (8) require the public utility to file with any designated city officer or officers reports concerning the utility and its financial operation and status, and such drawings and maps of the proposed location or locations and nature of its pipes, conduits, wires and other facilities as the council may request; and require

the public utility to permit designated city officers to inspect its books and other records.

ARTICLE XI.

ELECTIONS

SECTION 11.1 ANNUAL ELECTIONS: TIME. The regular city elections shall be held annually on the first Tuesday after the first Monday in October, or on such other date as may be fixed by ordinance.

SECTION 11.2 ANNUAL ELECTIONS: MAYOR AND COUNCILMAN. Two (2) councilmen shall be elected annually for three (3) year terms. A mayor shall be elected every other year for a two (2) year term. If a mayor-elect or a councilman-elect fails to qualify within thirty (30) days after the beginning of his term, his office shall be deemed vacant.

SECTION 11.3 ELECTIONS: CANDIDATES, FILING. Any qualified elector who has resided in the city for at least three (3) years may have his name placed on the ballot for election as a candidate for any elective office by filing with the city clerk a sworn declaration of his candidacy. The declaration of candidacy shall be filed not more than thirty (30) days and not less than fourteen (14) days prior to the election.

SECTION 11.4 ELECTIONS: QUALIFIED VOTER DEFINED. Every person who has been a resident of the city for at least thirty (30) days and who is a qualified voter as defined by Article V of the Alaska Constitution shall be entitled to vote at any election for which additional qualifications are not required by this charter. The council may provide by ordinance for pre-registration as a condition to voting.

SECTION 11.5 ELECTIONS: CONDUCT OF. The council shall provide by ordinance for the manner of holding and conducting regular and special elections. All elections shall be non-partisan and by secret ballot.

SECTION 11.6 ELECTIONS: CANVASSING, CERTIFICATES. The council shall canvass the returns and declare the results of all elections. The council may delegate this function to a board created by ordinance. The city clerk shall promptly issue certificates of election to all persons elected to office.

SECTION 11.7 ELECTIONS: RUN-OFF. The council shall provide by general ordinance for run-off elections when necessary so that no candidate shall be elected to office without receiving a majority of the votes cast for the office he seeks.

ARTICLE XII.

INITIATIVE, REFERENDUM AND RECALL

SECTION 12.1 INITIATIVE AND REFERENDUM. The qualified voters of the city may propose and enact ordinances by the initiative, and approve or reject ordinances and resolutions by the referendum.

SECTION 12.2 INITIATIVE AND REFERENDUM: APPLICATION. An initiative or referendum is proposed by an application containing the matter to be initiated or referred. The application shall be signed by not less than one hundred (100) qualified voters as sponsors, and shall be filed with the city clerk. If the city clerk finds the application legal and sufficient he shall so certify. Denial of certification shall be subject to judicial review.

SECTION 12.3 INITIATIVE AND REFERENDUM: PETITION. After certification of the application, a petition containing a summary of the subject matter shall be prepared by the city clerk for circulation by the sponsors. If signed by qualified voters equal in number to at least ten per cent (10%) of those who voted in the preceding regular election, it may be filed with the city clerk. If the city clerk finds the petition legal and sufficient he shall so certify. Denial of certification shall be subject to judicial review. An initiative petition may be filed at any time. A referendum petition must be filed within thirty (30) days after action by the council adopting the ordinance or resolution sought to be referred.

SECTION 12.4 INITIATIVE: ELECTION. After certification of an initiative petition the city clerk shall prepare a ballot title and proposition summarizing the proposed ordinance, and shall place them on the ballot for the next regular election unless it is to be held more than ninety (90) days after certification in which case the council shall provide for a special election to be held within sixty (60) days. If, before the election, substantially the same measure has been ordained, the petition shall be void.

ARTICLE XIII.

GENERAL PROVISIONS

SECTION 13.1 APPOINTMENT AND REMOVAL OF CITY EMPLOYEES AND OFFICERS. Except as otherwise provided in this charter, the city manager shall have the sole power to appoint and remove, or to supervise the appointment and removal of city officers and employees subject to such regulations and such grievance procedures as may be prescribed by ordinance.

SECTION 13.2 INVESTIGATION BY COUNCIL AND CITY MANAGER. The council and the city manager shall have the power to inquire into the conduct of any office, department, agency, or officer of the city, and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production

of books, papers and other evidence.

SECTION 13.3 INSPECTION OF RECORDS. Unless otherwise provided by and subject to such reasonable rules and regulations as may be fixed by ordinance all records and accounts of every office, department, or agency of the city shall be open to public inspection.

SECTION 13.4 OATH OF OFFICE. Every officer of the city, before entering upon the duties of his office, shall take and subscribe to the following oath or affirmation, to be filed and kept in the office of the city clerk:

"I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, the Constitution of the State of Alaska, the charter and ordinances of the City of Fairbanks, and that I will faithfully discharge my duties as _____ to the best of my ability."

SECTION 13.5 OFFICIAL BONDS. The council shall make provision by ordinance for the giving of surety bonds by officers and employees of the city entrusted with municipal funds. Premiums on such bonds shall be paid by the city.

SECTION 13.6 SEVERABILITY OF CHARTER PROVISIONS. If any provision of this charter or the application thereof to any person or circumstance is held invalid, the remainder of the charter and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 13.7 DISCRIMINATION IN EMPLOYMENT. No person employed by or seeking employment with the city shall be discriminated against because of his race, color, creed, national origin or political affiliations. City employees shall be engaged and promoted solely on the basis of merit and fitness.

SECTION 13.8 CLAIMS FOR INJURIES. The city shall not be liable in damages for injury to persons or property by reason of negligence of the city, unless, within one hundred twenty (120) days after such injury occurs, the person damaged or his representative causes a written notice to be served upon an officer of the city upon whom process may be served. Such notice shall state that such person intends to hold the city liable for such damages and shall set forth substantially the time and place of the injury, the manner in which it occurred, the nature of the act or defect complained of, the extent of the injury so far as known, and the names and addresses of witnesses known to the claimant.

No person shall bring action against the city for damages to person or property arising out of any of the reasons or circumstances aforesaid, unless such action is brought within the period prescribed by law, nor unless he has first presented to the city manager a claim in writing and under oath, setting forth specifically the nature and extent of the injury and the amount of damages claimed. The city manager shall promptly present such claim to the council for action.

Failure to give notice of injury or to present a claim within the time and in the manner provided shall bar any action upon such claim. This section shall not be deemed to waive any defense of immunity which the city may have from claims for damages arising out of negligence, but shall apply in all cases where such defense is not available to the city.

SECTION 13.9 PUBLICATION: DEFINITION. Wherever any matter is required by this charter to be published such requirement shall be satisfied only by publication in a newspaper of general circulation within this city and printed within the greater Fairbanks area.

SECTION 13.10. VIOLATION OF CHARTER: EFFECT. The violation of any provision of this charter shall be a misdemeanor, and any elective or appointive official of the city convicted thereof shall immediately forfeit his office.

ARTICLE XIV.

AMENDMENT OF CHARTER

SECTION 14.1 AMENDMENT: HOW INITIATED. Proceedings to amend this charter may be commenced by the affirmative vote of each councilman or by an initiatory petition.

SECTION 14.2 AMENDMENT: INITIATION BY COUNCIL ACTION. When an amendment is proposed by the council, it shall be submitted at an election to be held not less than sixty (60) days after its proposal by the council.

SECTION 14.3 AMENDMENT: BY INITIATION OF THE PEOPLE. An initiatory petition for the amendment of this charter shall state the proposed amendment, shall set forth all sections of the charter to be amended in full, shall be signed by twice the number of qualified voters required for the initiation of ordinances, and shall be filed with the city clerk. If the petition is legal and sufficient, the proposed amendment shall be submitted at the first regular election held more than thirty (30) days following the filing of the petition.

SECTION 14.4 AMENDMENTS: SCOPE OF. Each proposed amendment of this charter shall be confined to one subject, but need not be limited to a single section.

SECTION 14.5 AMENDMENTS: PUBLICATION OF. Each proposed amendment of this charter shall be published in full once each week for not less than four (4) consecutive weeks immediately preceding the election on its ratification.

SECTION 14.6 AMENDMENT: RATIFICATION AND EFFECTIVE DATE. Upon certification of the election results each ratified amendment shall become part of this charter. Two (2) copies of each ratified amendment shall be filed in the office of the city clerk.

ARTICLE XV.

TRANSITION

SECTION 15.1 PRIOR LEGISLATION PRESERVED. The Code of Ordinances of the City of Fairbanks and all other ordinances, resolutions, and rules of the council, to the extent that they are consistent with this charter, shall continue in effect until repealed or amended. Existing ordinances which supply required implementation of any provision of this charter shall be deemed adopted pursuant to this charter.

SECTION 15.2 CITY OFFICERS. Each member of the council holding office on the effective date of this charter may continue in office until his term has expired. Any other elected official may continue in office until the expiration of his term or until the office is abolished. An appointive official may continue in office until the expiration of his term, if any, or until he has been removed or his office abolished.

SECTION 15.3 TRANSITION OF GOVERNMENT. The council shall provide for the orderly transition of the existing city government to government under this charter.

SECTION 15.4 VESTED RIGHTS AND LIABILITIES. No right or liability of the city existing on the effective date of this charter shall be affected in any manner by the adoption of this charter.

SECTION 15.5 CHARTER IN EFFECT, WHEN. (a) On the 22nd day of November, 1960, a special election shall be held to determine whether the qualified voters of the City of Fairbanks ratify this charter. (b) If a majority of the qualified voters voting on the question of ratification of this charter shall vote in favor of this proposed charter, it shall be deemed to be ratified, and upon certification of the results of the election, it shall become the organic law of the City of Fairbanks, Alaska.

C E R T I F I C A T E

We, the undersigned members of the Charter Commission of the City of Fairbanks, Alaska, duly elected in accordance with Chapter 196 of the 1949 Session Laws of the State of Alaska, acting as said Charter Commission, and having elected Maurice T. Johnson, Chairman, A. Ronald Nerland, Vice Chairman, and Charles E. Cole, Secretary, of said Charter Commission, state that the said Charter Commission has prepared the foregoing home rule Charter of the City of Fairbanks, Alaska, and do hereby approve and propose this home rule Charter, and direct that it be filed in the office of the city clerk of said city; and further direct that this Charter of the City of Fairbanks, Alaska, shall be submitted to the qualified voters of the City of Fairbanks, Alaska, at a special election which shall be held on Tuesday, November 22, 1960, for the ratification or rejection, in accordance with law.

In witness whereof, we hereunto subscribe our names, this 8th day of October, 1960, in the City of Fairbanks, Alaska.

/s/ Maurice T. Johnson

/s/ Leo A. Schlotfeldt

/s/ A. Ronald Nerland

/s/ Kenneth A. Murray

/s/ Charles E. Cole

/s/ Paul Greimann

/s/ William V. Boggess

/s/ E. F. Stroecker

ATTEST:

/s/ Charles E. Cole
Secretary, Charter Commission

F I L I N G

In accordance with Section 4 of Chapter 196 of the Alaska Session Laws of 1959, a copy of the above charter was filed in the office of the city clerk of the City of Fairbanks, Alaska, on October 8, 1960.

/s/ E. A. Tonseth
City Clerk

"The foregoing Kinne Rule Charter
is certified to be a full, true and correct copy of
the original on file and of record in my office."

E. A. Tonseth

E. A. TONSETH
CITY CLERK